

EXHIBIT 4

Jeffrey Lowe

May 1, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

Big Cat Rescue Corp., a)
Florida not-for-profit)
corporation,)

Plaintiff,)

v.)

Case No. CIV-2016-0155-SLP

Shirley M. Schreibvogel,)
an individual, and)
Greater Wynnewood)
Development Group, LLC,)

Defendants.)

DEPOSITION OF JEFFREY LEE LOWE
TAKEN ON BEHALF OF THE PLAINTIFF
IN EDMOND, OKLAHOMA
ON MAY 1, 2018

REPORTED BY: KERRI L. WOOD, CSR

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1 A Not really partners, but I wanted to keep
2 him in the area because I needed his assistance, you
3 know --

4 Q Mr. Lowe --

5 A -- with --

6 Q Go ahead. I'm sorry.

7 A -- with his animals. I mean, he was
8 familiar with his animals; and, you know, I'd -- I'd
9 rather him been there than leave. And it was a --
10 it wasn't a significant investment. It was 40- or
11 \$50,000. So, it was worth it to me to keep him in
12 the area and opposed to retire and buy a boat
13 someplace.

14 Q As a part of Serenity Springs' deal --

15 A Uh-huh.

16 Q -- we'll call it -- your potential purchase
17 and his potential sale of that facility to you --
18 was that sale involving the animals or just the land
19 and the fixtures?

20 A It was -- it was the business of
21 Serenity Springs. I was buying Serenity Springs'
22 business which included, you know, all the buildings
23 and the fixtures and the gates and the cages --

24 Q All the assets.

25 A -- and the animals.

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1 Q Were you going to continue to use the name
2 Serenity Springs?

3 A No.

4 Q Did you have a name picked out that you were
5 going to change it to?

6 A Not at the time.

7 Q As a part of the due diligence, you said you
8 looked at his financials, his books, and records?

9 A Uh-huh.

10 Q How were those presented to you? Were those
11 presented --

12 A On a computer.

13 Q How -- by a compu- -- on a computer?

14 A Uh-huh.

15 Q And just e-mailed to you, I guess?

16 A They e-mailed them to me; and then when I
17 went to Colorado Springs, I kind of sat down at the
18 computer one day and reviewed all their books.

19 Q Were -- as a part of the Serenity Springs'
20 deal, was Mr. Sculac going to maintain ownership
21 over animals?

22 A No.

23 Q Were you paying -- at that time were the
24 animals just going to remain there, and was there a
25 value associated with the animals remaining there?

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1 A The animals had no value other than, you
2 know, that's where they lived; and, I mean,
3 they're -- they're really not an asset. They're a
4 liability because you have to feed, you know,
5 400-pound cats every day.

6 Q Sure.

7 And I guess, really, my direct question is:
8 As a part of that deal, were you paying any monetary
9 consideration for the animals?

10 MS. CHRISTIANS: Object to the form.

11 A I was buying the business which included the
12 animals.

13 Q (By Mr. Givens) Okay. Okay.

14 A I was buying the land.

15 Q The cages, tools, all those kinds of things,
16 all the assets were going to be included?

17 A Yes.

18 Q As a -- as a part of that due diligence, did
19 you review an inventory list that --

20 A I don't remember seeing an inventory list.

21 Q Okay. Were there vehicles that were going
22 to be included in that?

23 A Yes.

24 Q Other equipment?

25 A Yes.

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1 Q All of those things were ult- -- ultimately
2 valued as a part of what was going to be the
3 purchase?

4 A Yes.

5 Q Was Serenity Springs a nonprofit, or was it
6 a for-profit?

7 A They were a nonprofit, I believe.

8 Q Okay. Do you recall -- strike that.

9 And as part of the deal of doing the
10 Serenity Springs -- trying to put the
11 Serenity Springs' deal together, Mr. Lowe, what --
12 had you negotiated a purchase price with Mr. Sculac?

13 A Yes.

14 Q And what was that purchase price?

15 A \$275,000.

16 Q Lock, stock, and barrel?

17 A Yes.

18 Q Was that to include phone numbers?

19 A I don't know. I don't remember.

20 Q E-mail addresses?

21 A No. I wanted no association with them.

22 Q And why is that?

23 A Just because they had a, you know -- as your
24 client well knows, they had a bad reputation.

25 Q Serenity Springs did?

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1 Q And refresh my memory. A liger is a lion
2 daddy and a tiger momma?

3 A Correct.

4 Q Was that the only cub you picked up?

5 A Yes.

6 Q And how do you travel with a baby liger --

7 A In a --

8 Q -- Mr. Lowe?

9 A In a pet carrier.

10 Q Like a -- just like a large dog carrier --

11 A Yes.

12 Q -- or something?

13 A Yeah.

14 Q Okay. On that trip, anybody other than you?

15 A Yes, my -- my former wife, Kathy, and my two
16 kids --

17 Q Okay.

18 A -- were with me. And recollection tells me
19 we picked it up, on the way, on our return trip.

20 Q Going back west?

21 A Correct.

22 Q From North -- South Carolina to Colorado,
23 correct?

24 A Correct.

25 Q All right. All right. Now we've got that

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1 point in time nailed down, Mr. Lowe. From that
2 point in time, when do you believe your first
3 contact -- via telephone, e-mail, whatever -- was
4 with Mr. Schreibvogel?

5 A I think -- I think my first contact with Joe
6 was maybe a phone call in June, asking him his
7 advice on just -- I -- I heard he was -- you know,
8 Nick talked him up to be this big expert.

9 Q Mr. Sculac did?

10 A Yes. Yes.

11 So, I wanted to have the expert come look at
12 Nick's place and see what he thought. So, I
13 called -- I either called or sent Joe a Facebook
14 message or something, asking if he would be
15 willing -- if I would pay for his flight, would he
16 be willing to come and kind of evaluate Nick's park
17 for me.

18 Q And you believe that contact happened in
19 June of '15?

20 A I think so.

21 Q After you picked up the cub?

22 A Yes, because I saw Joe's facility, you know.
23 It looked impressive, bunch of people there.

24 Q Uh-huh.

25 A So, I figured he's -- and I was just getting

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1 back into it, you know, in -- you know, in a big
2 way. So, I thought he was -- he was the only one
3 that I knew, besides Sculac, who could really give
4 me a solid opinion on a park.

5 Q Mr. Lowe, is it fair for me to say that at
6 that point in time -- June, 2015, point in time --
7 you had an aim toward getting back into cat
8 ownership, but also exhibiting and owning a zoo-type
9 facility for big cats?

10 A Sure, that's fair to say.

11 Q And that's why you were, in fact, pursuing
12 the Serenity Springs' project, correct?

13 A Correct.

14 Q I forgot to ask you: With the -- with
15 respect to the cub being taken to Serenity Springs,
16 was there any forms of transfer or anything that had
17 to be executed and signed?

18 A There were --

19 MS. CHRISTIANS: Object to the form.

20 Q (By Mr. Givens) You can still answer.

21 MS. CHRISTIANS: You can answer.

22 A I would have picked up a health certificate,
23 and Joe and Nick -- I was -- I was led to believe
24 Joe and Nick had done the transfer paperwork via
25 e-mail. All I -- all I carried was the health

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1 A Uh-huh.

2 I paid for all the motorcycles. Nick fixed
3 them up and sold them which was supposed to -- at
4 that point, he was supposed to -- to divvy up, you
5 know, our split, our -- on our profits.

6 Q To make some return on your initial
7 investment, correct?

8 A (Nods head)

9 And he sold them -- we found out he'd sold
10 them weeks earlier and never mentioned it. So, I
11 was, like, shocked; didn't know exactly what to
12 do -- you know, how to approach it or -- and if I
13 recall -- I was so irritated -- I think -- I think
14 in that end-of- -- the mid- to end-of-August area is
15 when I called Joe and I said, "You want a partner?"

16 Q At that time, Mr. Lowe, had you made up your
17 mind that "I'm not going forward with the
18 Serenity Springs' matter -- project"?

19 A I think it was starting to lean that way,
20 you know, with the USDA problems, with -- with
21 Nick's kind of betrayal; and my wife was really
22 upset. And Joe had indicated while he was there --
23 I mean, Joe was in really poor shape, you know, at
24 that time. So, I thought that might be my
25 opportunity to ask if he would want a partner in his

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1 sorry. How many did you say you had at the
2 Serenity Springs' facility?

3 A About 20 --

4 Q Okay.

5 A -- 23 maybe.

6 Q Were -- were you keeping them there and just
7 paying for their food and maintenance, or were you
8 also having to pay Mr. Sculac a fee for keeping them
9 there?

10 A Yes, yes, yes. I was paying to feed them; I
11 paid to build all new cages; and I was paying him a
12 daily -- a daily care, you know, of, I think it was,
13 \$25 a cat.

14 Q Per day?

15 A Per day.

16 Q You built all new cages for your cats to be?

17 A A couple cages, he had open and available;
18 but the rest, I had -- we had to build. I bought 7-
19 or \$8,000 worth of paneling and pipes and poles.

20 Q And are those cages you built in June when
21 you moved your cats out there -- or prior to moving
22 them out there?

23 A Yeah. Yes.

24 Q How did the first discussion with
25 Mr. Schreibvogel go when you broached this topic of,

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1 "Do you want a partner?"

2 A He said he did not want a partner; but he
3 said, "I'll sell you a zoo if you want to buy a zoo
4 and as long as I could continue to live on the
5 property and work with my animals."

6 Q Up until that point in time that that
7 discussion occurred, Mr. Lowe, had Mr. Schreibvogel
8 brought up or discussed with you the lawsuits he was
9 involved in with Big Cat Rescue?

10 A No.

11 Q So, as we get to late August of 2015, you
12 are unaware of lawsuits between Joe Schreibvogel and
13 his entities and Big Cat Rescue?

14 A Not completely un- --

15 MS. CHRISTIANS: Object to the form.

16 Go ahead.

17 A Not completely unaware because Nick had
18 said -- Nick told me his version of things, which I
19 don't even remember; but he said Joe -- Joe had been
20 sued by somebody and had a big judgment against him.

21 Q (By Mr. Givens) When did -- when did Nick
22 tell you that?

23 A I'm not positive. I mean, it probably would
24 have been in -- you know, while we were building
25 cages, possibly, in June.

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1 Q What was the next step you took to move
2 forward with a possible opportunity with Joe and the
3 zoo in Wynnewood, Oklahoma, after that first
4 conversation?

5 A I think Kathy and I left the kids back in
6 Colorado, and we flew out to -- we flew into
7 Oklahoma City.

8 Q And to be clear, just for the record -- I
9 know who you're talking about -- but Kathy Lowe,
10 your ex-wife?

11 A Correct.

12 And we spent the day, walking around the
13 park -- Joe's park.

14 Q Do you believe that was in September?

15 A Yes.

16 Q When you came to Oklahoma to walk around the
17 park in September, did you stay down there at the
18 park; or did you stay in a hotel?

19 A We stayed in Pauls Valley, in a hotel.

20 Q How many days did you spend on that -- what
21 I'll call, the first visit to evaluate the
22 opportunity?

23 A I think it --

24 Q Is that fair?

25 A Yes.

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1 I think it was --

2 Q Because that's not your first visit to the
3 park. It would actually have been your second
4 actual visit, correct?

5 A Correct. Correct.

6 Q The first time, you just stopped briefly to
7 pick up a cub. This is the first visit where you
8 took, what I'll call, an evaluation tour of the
9 park. Is that --

10 A Right.

11 Q -- fair?

12 A Right. The first visit, I only saw the back
13 parking lot. I didn't go into the park.

14 Q Okay.

15 A And then when Kathy and I went in September,
16 we walked the park for two days and observed, you
17 know, how it operated and -- and the traffic, where
18 it was located.

19 Q Tell me about the first day. Did you go
20 down there straight from the airport?

21 A We did -- well, we stopped at Chicago Pizza,
22 had a pizza, went to the -- went to Joe's park. And
23 Joe was, like, really busy. So, he kind of blew us
24 off for the first couple hours, gave us an
25 opportunity to walk around.

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1 MR. GIVENS: You bet.

2 MS. CHRISTIANS: Okay.

3 MR. GIVENS: You bet. It's -- well,
4 let me ask you this. It's --

5 THE COURT REPORTER: On the record or
6 off?

7 MR. GIVENS: Oh, yeah, let's go off the
8 record.

9 (Discussion off the record.)

10 (Lunch break taken 11:29 a.m. to 12:41 p.m.)

11 (Discussion off the record.)

12 Q (By Mr. Givens) Mr. Lowe, we're back from a
13 lunch break and back on the record. I understand,
14 from a brief off-the-record discussion with your
15 counsel, that there may be a couple things you've
16 thought about over lunch with respect to some dates
17 and timing that the record may not currently reflect
18 to be accurate, from your standpoint.

19 No. 1, you had mentioned earlier the first
20 time you heard the name Joe Schreibvogel was in
21 connection with a 911 Animal Abuse page or something
22 of that nature and you believe you read his name in
23 that. Is that accurate?

24 A Yes.

25 Q And when -- and at what point in time did

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1 you read that or see that?

2 A That would have been in the fall of 2014 and
3 not '15, as Melanie says I might have said.

4 Q I think you actually said it correct once
5 and then you said it in '15 --

6 A Because I thought --

7 Q -- the second time.

8 A -- you said it was correct when you said
9 '14, going into '15.

10 Q Correct.

11 And, so -- but that does clear up the record
12 for us.

13 A It was the four- --

14 Q Okay?

15 A It was '14.

16 Q And then with respect to the first time you
17 and Mr. Schreibvogel discussed a possible
18 opportunity for you at the Wynnewood zoo here in
19 Oklahoma, when did that occur?

20 A And it was because of your conversation
21 about when I drove Joe to the airport. I remembered
22 that we stopped at an Outback Steakhouse and it was
23 during dinner on the way back -- taking Joe back to
24 the airport that I'd asked him if he would entertain
25 the idea of a partner.

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1 Q While he was still in Colorado, on the way,
2 taking him to the airport?

3 A Yes.

4 Q So, that would have been in late --

5 A Late August.

6 Q -- August of 2015?

7 A Yes.

8 Q All right. And, so, that is the first time
9 that you and Mr. Schreibvogel discussed the
10 possibility of your involvement in the -- with the
11 Wynnewood zoo --

12 A Yes.

13 Q -- in Oklahoma?

14 A Yes.

15 Q Which, at that point in time, was
16 G.W. Exotic, correct?

17 MS. CHRISTIANS: Object to the form.

18 A I don't know.

19 Q (By Mr. Givens) Was called G.W. Exotic?

20 A I don't know.

21 MS. CHRISTIANS: No.

22 Q (By Mr. Givens) In August of 2015?

23 A Yeah, I don't know what it -- what it was
24 called at that point.

25 Q No, no, no. Garold Wayne Zoo.

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1 the state of Oklahoma between Big Cat Rescue and
2 Joe Schreibvogel?

3 A I had no idea.

4 Q The litigation that Mr. Sculac connected the
5 dots for you on, is that the litigation in Florida?

6 A I suppose so. It was -- it was just that he
7 had -- that there was a million-dollar judgment
8 against Joe -- so, wherever that judgment took
9 place.

10 Q What was the first point in time, Mr. Lowe,
11 that you became aware of litigation involving Big
12 Cat Rescue and Joe Schreibvogel in the state of
13 Oklahoma?

14 A I don't know that I ever really understood
15 that there was litigation in Oklahoma. I thought
16 Joe's problems were all about that lawsuit in
17 Florida. I didn't know -- I didn't know that he was
18 sued again, you know, in -- in another state.

19 Q What --

20 A And I don't think I learned it until just,
21 you know, prior to taking, you know, over the zoo.

22 Q If you hadn't discussed that with
23 Joe Schreibvogel at that time -- and by "that time,"
24 I mean between June and late August of 2015 --

25 A Uh-huh.

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1 after.

2 Q And was he willing to take in your cats?

3 A He was. He again told me that he was in
4 poor health, that he was broke, that the park was
5 under water.

6 And I offered -- I said, well, if -- if I
7 would come to the park and help get the park -- get
8 their head back above water so they had water and
9 electricity and catch up with his bills and if I
10 would come and build cages or have contractors come
11 build cages for my animals, would that solve his
12 problems.

13 Q And what was his response to that?

14 A He said it would. He indicated he was in
15 quite a bit, you know; he was behind on a lot of
16 bills; and it wasn't going to be cheap to keep him
17 afloat.

18 Q And in that discussion, Mr. Lowe, were you
19 and he discussing bills to operate and run the park
20 at Wynnewood?

21 A Yes.

22 Q Did he mention, in that conversation, legal
23 bills for litigation that he was involved in with
24 Big Cat Rescue?

25 A Not at that time.

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1 pretty much decided -- after Nick did that to me, I
2 was committed -- I -- the only commitment I had
3 further to Nick was a Halloween party fundraiser
4 that was already planned at -- at the Colorado
5 estate.

6 And, you know, I -- I'm not an evil man.
7 So, I -- I allowed them to have that big fundraiser
8 at my house. But I -- I knew at that point that
9 working with Nick was going to be impossible.

10 Q Let's go to the next step. When did Joe get
11 back to you regarding some numbers?

12 A I think it was just a couple days, and that
13 would have been on a phone call.

14 Q He called you?

15 A I don't know. You know, I can't remember.

16 Q But you believe it was a phone call with
17 him?

18 A Yeah.

19 Q What were the numbers that Joe got back to
20 you with for -- let's first discuss what I'm going
21 to call, as you characterize, getting the zoo out
22 of -- or above water. What was that number?

23 A Well, I know at the time that he had --
24 that's why I mentioned that \$5200 water bill. I
25 think he owed \$5200 to the water company; 6- or --

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1 5- or \$6,000 to the electric company. He was 9- or
2 \$12,000 behind in his billboard ads; and they were
3 threatening to take his billboards down.

4 He was \$2,000 behind in his Dumpster fees;
5 and they weren't picking up the trash at the park.
6 He was in arrears with the Porta Potty people in --
7 to, like, 2,000 or \$3,000. What else? It was just
8 a number of vendors, you know, that supplied the
9 zoo -- I think the ice cream vendors and the -- I
10 think all -- in all, I went in; and I caught him up.
11 I didn't pay anything forward, but I just caught him
12 up.

13 Q Did you do that via check or checks?

14 A No. No. I'm -- whenever possible, I'm
15 always a cash person.

16 Q Did you actually make the cash payments to
17 the vendors, or did you provide cash to Joe?

18 A I -- I would have to go back and check
19 because I know I did write some personal checks out
20 of Kathy and my bank account. And the people who
21 would -- not everyone will accept cash.

22 I never -- I never gave Joe cash to do bills
23 because I -- somebody who's that far back on his
24 bills probably doesn't pay his bills. So, I wasn't
25 about to hand him cash.

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1 THE WITNESS: That's a "no."

2 MS. CHRISTIANS: It's just for purpose
3 of the record --

4 THE WITNESS: I know. I --

5 MS. CHRISTIANS: -- verbal responses.

6 THE WITNESS: I'm -- I'm horrible with
7 that.

8 Q (By Mr. Givens) Mr. Lowe, you then called
9 Mrs. Schreibvogel, Shirley Schreibvogel.

10 A Uh-huh.

11 Q Tell me about that conversation.

12 A Well, I reintroduced myself and reminded her
13 that we had met at the park and kind of explained to
14 her my situation in Colorado wasn't working out as I
15 had planned and I needed a place to house my
16 animals, but part of the -- that -- that I was made
17 aware that the park was financially in trouble and
18 adding my cats without some financial support would
19 be too burdensome on the park.

20 And that's at the point where I offered to
21 help get the park back on level ground if -- in
22 exchange for being added to the deed and in exchange
23 for adding -- if -- if I was -- in consideration of
24 me investing all the money and permanent structures
25 that were to be built on the zoo ground. I didn't

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1 want another situation like Colorado where my cats
2 were out of my control on someone else's property.

3 Q Did Shirley Schreibvogel express an
4 understanding to you on the telephone?

5 A I think she understood.

6 Q In your conversations with
7 Mrs. Schreibvogel, did you ever feel like she was
8 not mentally capable to discuss and understand and
9 make a decision about those issues?

10 A Not at that time.

11 Q Did Shirley Schreibvogel express any concern
12 to you at that time about that arrangement that you
13 and Joe had discussed?

14 A She -- she didn't indicate any.

15 Q Did she specifically discuss how you would
16 be added to the zoo land?

17 A No.

18 Q Did you specifically propose how you would
19 be added to the zoo land?

20 A Well, before I even suggested it, I went to
21 the Wynnewood tax website and pulled a copy to make
22 sure that she was actually on the zoo land; and I
23 was kind of surprised, I guess, that -- that's when
24 I learned Francis wasn't, that it was just Shirley.

25 And that's what I used as my basis for

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1 asking to be added to it -- because I knew it was
2 there, I knew it was clear. There were no liens, no
3 debts against it. So, I figured that was a safe way
4 to protect my loan to the park and my improvements
5 to the park, should I move my animals there.

6 Q Shirley expresses her agreement for that
7 arrangement?

8 A Uh-huh.

9 Q What's the next thing you do to effect this
10 arrangement? Is that the point at which you began
11 writing some checks and providing some --

12 A No, I don't --

13 Q -- cash?

14 A I -- I didn't at that point. I waited
15 until -- at some point I was either e-mailed or
16 texted a photo of a deed with my name -- my
17 abbreviated name. I mean, it didn't have my full
18 legal name on it. But I kind of expressed some
19 concern. I called the tax clerk, asked if that
20 mattered that my full legal name wasn't on it and --

21 Q And when you say your "full legal name," my
22 guess is it --

23 A Jeffrey Lee Lowe.

24 Q -- it didn't say Jeffrey D. (sic) Lowe, it
25 said --

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1 A It said --

2 Q -- Jeff Lowe.

3 A -- Jeff Lowe, yeah.

4 And she explained that that wouldn't be a
5 problem.

6 I said, "Well, so, anybody named Jeff Lowe
7 could come up and make claim?"

8 And she said my interest in the park would
9 be secured. So --

10 Q The clerk?

11 A -- that's -- the clerk at the court.

12 So, that's when I asked Joe to start
13 gathering up the most important bills that needed to
14 be addressed immediately; and I also placed an order
15 for a whole bunch of steel.

16 Q And at that point in time, Mr. Lowe -- the
17 first ten days of September -- well, let me ask you
18 this: Would that have been within the first
19 ten days of September?

20 A Yeah.

21 Q Okay. So, at that point in time, all of
22 these things, these arrangements are being done as
23 provisions and agreement of a place for you to
24 secure your cats -- your big cats?

25 A Correct.

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1 Q Once you received a -- was it a texted
2 photograph of the deed?

3 A I think it was a texted photograph.

4 Q And -- and during this time, Mr. Lowe --
5 just say from the 1st of September through the 10th
6 of September of 2015 -- were there communications
7 being made by and among you, Joe Schreibvogel, and
8 Shirley Schreibvogel on e-mail?

9 A I don't think Shirley's ever sent an e-mail,
10 and Joe and I very rarely e-mailed. I think we were
11 more texting guys.

12 Q What about anyone on either Joe Schreibvogel
13 or the park's behalf e-mailing you any documents for
14 review or execution in connection with that
15 arrangement?

16 A No.

17 Q At that time were the partnership in the
18 park discussions still being had until -- or were
19 they put on hold while you just got your cats
20 placed?

21 A They were kind of put on hold because I
22 still wasn't positive that -- for one thing, I
23 wasn't positive how my marriage was going to end up;
24 and I wasn't -- I wasn't thrilled about the idea of
25 moving to such an isolated space. And I had paid so

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1 much money up-front for the home in -- in Colorado
2 that I didn't want -- and -- and it was kind of
3 isolated. I didn't want my kids and my ex in that
4 house alone in the middle of nowhere. So, it was my
5 intention to stay in Colorado for a long time.

6 I mean, but as I got more and more
7 financially vested in the zoo, I kind of took more
8 interest in what was going on there and wanted to
9 see the operation and how it worked. But -- again,
10 the point of your question?

11 Q Yeah, I was just -- my question was -- and
12 you answered my question, Mr. Lowe. But my question
13 was: Were the partnership discussions put on
14 hold --

15 A Yeah.

16 Q -- while you were working out your
17 arrangements of placing your cats there to keep them
18 safe?

19 A Yes.

20 Q And, so, fair for me to say at that time
21 your primary goal was getting your cats placed and
22 put there safely?

23 A Yes.

24 Q Then you would look at what the next step
25 might be --

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1 MS. CHRISTIANS: Object to the form.

2 He's already answered this.

3 THE WITNESS: Yeah.

4 A I told you I thought it was the end --
5 either the end of November, first of December
6 sometime.

7 Q (By Mr. Givens) Yeah. Well, that's why I'm
8 asking was it prior to November of 2015. I want to
9 make sure the record's clear.

10 A Prior to November?

11 Q Yes, sir.

12 A No.

13 Q You recall being on a conference call with a
14 mediator and parties to the lawsuit where a
15 settlement was being discussed?

16 MS. CHRISTIANS: Object to the form.

17 A I wasn't on a conference call. I walked
18 into the office during a conference call that was
19 being made.

20 Q (By Mr. Givens) And who was in the office on
21 that call where you were located?

22 A Who was there? I think -- I know Joe was
23 there. I think it was just Joe and Reink were in
24 the office.

25 Q And you walked into the office?

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1 A Uh-huh.

2 Q Did you know why they were in the office on
3 a conference call?

4 A I could figure it out. I could tell. I
5 heard Howard's voice.

6 Q Did you know, prior to walking into the
7 office, that that call was going to take place?

8 A I don't think I was made aware, no. If I
9 was, I probably wouldn't have walked in.

10 Q After you walked in, how did you become
11 aware that it was a conference call discussing a
12 settlement agreement?

13 MS. CHRISTIANS: Object to the form.

14 A I could tell by the content of what was
15 being said --

16 Q (By Mr. Givens) What did you hear?

17 A -- and -- and because I knew that the day
18 prior, Joe was involved in a -- in a -- in a
19 mitigation or some --

20 Q Mediation?

21 A -- kind of -- mediation or -- or settlement
22 agreement that whole day; and he came back and was
23 upset and pissed off that whole night.

24 Q Did you discuss the -- that day's
25 mediation --

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1 A He just --

2 Q -- with him?

3 A -- was venting that how unreasonable
4 everyone is and they want to show -- close him down,
5 and he indicated that he made some sort of a -- a
6 very fair-sounding settlement offer and that it was
7 re- -- that it was turned down.

8 Q Did you -- in his ranting, as you say, did
9 you sit and have a specific discussion with him
10 about details of a settlement agreement?

11 A No. He was too -- he was too pissed off.
12 He was just --

13 Q After that initial ranting that you
14 observed, did you ever sit down with him and discuss
15 with him details of a settlement agreement?

16 A No. I -- Lauren and I were at the park. We
17 went home and went to bed. And it was not -- that
18 conference call was the following day at some point.
19 So, between -- between us going to bed and that
20 conference call, we didn't -- I don't even think we
21 spoke. I think the conference call was the first
22 time I saw Joe the following day.

23 Q And you walked in. You overheard the
24 conference call. You --

25 A (Nods head)

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1 A I don't know. You know, Lauren and I were
2 staying in hotels that whole month; and I lost track
3 of time. I -- I think it was the next day. I mean,
4 if you ask me to make my best guess, I would say it
5 was the next day.

6 Q Just based on your memory?

7 A Yeah, just based on my old --

8 Q Okay.

9 A -- de- -- decrepit memory.

10 Q In any event, whether it was the next day or
11 days later, you -- you're at the park still. You
12 walk in. Joe Schreibvogel and John Reinke are on a
13 conference call with someone else. You hear voices
14 and determine that the conference call is dealing
15 with the subject matter of settlement.

16 A (Nods head)

17 Q Is that correct?

18 A That's correct.

19 Q And settlement of the litigation that Joe
20 was involved in with Big Cat Rescue?

21 A Correct.

22 Q Did you sit in there and listen for a while?

23 A I listened for probably ten minutes, and Joe
24 called me -- you know, he did this (Indicating).

25 Q Motioned to --

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1 A He motioned me back (Indicating).

2 Q You're -- and for the record, you're
3 motioning with your hand --

4 A Yes. He --

5 Q -- and fingers?

6 A -- was like draw -- "Come hither," you know,
7 with his finger.

8 Q "Come listen to this?"

9 A Exactly.

10 Q And, so, you sit down and listen?

11 A I stood behind him. He was sitting in his
12 chair, red as cinnamon. And I could tell he was
13 really upset, and he had his -- his waste can in
14 front of him where he had been puking.

15 So, I thought, "This is just ridiculous."

16 And I heard Howard speaking and two
17 attorneys going back and forth.

18 Q Howard who?

19 A Howard Baskin.

20 Q Okay. How do you know it was Howard you
21 heard speaking?

22 A I've heard him before. I've heard Howard
23 YouTube videos and --

24 Q You -- you believe it was Howard, or you --
25 you --

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1 A Just as he believed it was me --

2 Q As you --

3 A -- on the phone, yeah.

4 Q Did he announce, "This is Howard?"

5 A Yes. Every time -- I think before -- before
6 they all spoke, they kind of introduced or -- or
7 acknowledged who it was speaking --

8 Q Such that --

9 A -- because there was -- there were so many
10 people on that call that it was -- it would have
11 been confusing if everybody was just talking over
12 one another.

13 Q And did you announce your presence on the --
14 as -- as a listener on that conference call?

15 A Not until I erupted.

16 Q And what happened next? What did you do or
17 say when you "erupted," as you say?

18 A It got to the point where I -- I could tell
19 John Finlay was on the call, and I could tell that
20 Gary Douglas was on the call. And I could tell that
21 they were trying to -- John Finlay's not the
22 sharpest tool in the shed, and it seemed to me that
23 they were trying to manipulate Finlay into admitting
24 or confessing or accepting something and they were
25 trying to confuse Gary Douglas.

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1 Q When you say "they," who is "they"?

2 A The attorneys.

3 Q Who --

4 A It -- it just --

5 Q What attorneys?

6 A I would assume you-all, representing Big Cat
7 Rescue, and --

8 Q You assume, but you don't know that?

9 A I don't know that to be a fact.

10 Q Okay.

11 A But it was opposing counsel. It wasn't
12 Joe's attorney. And Joe was just sitting there,
13 shaking his head; and they were basically trying to
14 get Joe -- I -- I remember Joe saying something to
15 the effect of -- of they -- "Gary, they want to shut
16 me down. They want to take away -- I can't ever own
17 animals," and this and this and this.

18 And that's when I said, "You know what?
19 Fuck this. Howard, fuck you. Fuck your cunt wife.
20 I will pay to take this to trial," because I knew
21 that was Joe's concern. Joe knew he didn't have the
22 money to go to trial.

23 So, it was at that point I offered Joe the
24 money to take him to trial so he could resolve this
25 in a courtroom as opposed to concede in -- in some

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1 kind of a mediation. I didn't think he was going to
2 be any o- -- any worse off going to a judge and
3 letting a judge decide this as the deal he was about
4 to accept in mediation.

5 Q And at the time you "erupted"; made those
6 statements; and then made the offer you just
7 described, to Joe, to fund the litigation -- based
8 on your prior testimony, you didn't know anything
9 about the lawsuit at that point, did you?

10 A I didn't --

11 Q So --

12 A -- I mean, just very little --

13 Q -- just to be clear, you --

14 A -- a trademark violation.

15 Q -- you made that offer and those statements
16 without knowing any of the details of the lawsuit?

17 A Just that it was a trademark infringement.

18 Q And there was an existing judgment against
19 Joe?

20 A Yes.

21 Q At the time you "erupted," made the
22 statements you made, and made the offer to Joe, did
23 you know there was a judgment against G.W. Exotic
24 park?

25 A I did not.

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1 ledger you referenced earlier?

2 A They would be.

3 Q During that month of December of 2015, were
4 you trying to decide whether or not you wanted to
5 take over the park?

6 A This will sound morbid but part of my
7 decision was based on whether I could live here and
8 part of it was based on Joe's health because Joe had
9 kind of made it sound like he was, you know, very,
10 very sick. And he was -- he was throwing up every
11 day. Every 30 minutes Joe was in a corner, throwing
12 up; and he seemed to be crashing.

13 And, you know, I told Lauren -- I said -- I
14 said, "I can either make an offer to buy the park or
15 we can wait and see if Joe succumbs and find out
16 what happens."

17 I -- I -- I didn't know under what authority
18 or whose authority would decide the next owner of
19 the park if Joe were to die; but I know that when
20 Joe went into Intensive Care, people were coming out
21 of the woodwork -- like, from other zoos -- almost
22 trying to step in and take over. It was morbid.

23 And, you know, I kind of felt like I was
24 lurking like a vulture lurking over a sick, you
25 know, prey. But it was -- it was kind of my

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1 feeling -- is, "Let's -- let's hang this out. Let's
2 hold out a little bit longer, continue to keep the
3 park solvent." And I said, "Joe may just die on
4 us." And --

5 Q At what point in time during that period
6 from September 1 through December 31st, Mr. Lowe,
7 did you determine the park was insolvent?

8 A When he gave me the list of bills and he --
9 he showed me the stack of shutoff notices and
10 electrical disconnection notices and, I mean,
11 even -- gosh, it -- it -- it seemed like every
12 electric bill, you know.

13 Q And, so, that would have been in September,
14 then, correct?

15 A All -- all through -- all through the
16 winter, you know, electric shutoff notices were
17 pinned to the doors or to the fences on a -- at
18 least every month.

19 Q And, so, when he provided you that list in
20 September, is that when you, at least in your mind,
21 determined that you believed the park to be
22 insolvent?

23 MS. CHRISTIANS: Object to --

24 A I knew --

25 MS. CHRISTIANS: -- the form.

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1 A -- that it was in trouble. I mean, and --
2 and I also understood that seasonal businesses like
3 that park -- in Oklahoma, particularly -- you know,
4 Carole's got the advantage of being in a -- in a
5 tourist state; and Joe is stuck in the middle of
6 Oklahoma.

7 And based on what Reinke -- conversations
8 that I'd had with Reink about how much money was
9 generated during spring break and the summer, it
10 didn't necessarily scare me. It didn't scare me
11 away, obviously. And, like I said, I didn't need
12 this to be a cash-generating source of revenue for
13 me. I just needed it not to cost me \$100,000 a
14 month forever.

15 Q (By Mr. Givens) During the time that you and
16 Lauren were spending the month there in December of
17 2015, did you gain an understanding of the lease
18 that was in place as between the landowners -- you
19 and Shirley -- and Garold Wayne Zoo?

20 A I never saw it. I'd just heard Joe make
21 reference that -- that his mom owned the land and
22 that the park leased the land from his mom.

23 Q Well, and at that time -- December, 2015 --
24 you and Shirley owned the land --

25 A I did.

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1 A I'd step up.

2 Q -- you would step up and make the payment?

3 A I would.

4 Q And, again, we're still -- are we still in
5 the time frame where you're doing this so you would
6 have a place to house your cats?

7 A Yes.

8 Q All right.

9 A And with the kind of -- always in the back
10 of my mind that if Joe did pass away, I was in a
11 pretty good position to take over the park.

12 (Plaintiff's Exhibit Number 3 marked for
13 identification and made part of the record.)

14 Q (By Mr. Givens) Mr. Lowe, I'm going to hand
15 you what we'll mark as Exhibit 3 to your deposition.
16 And I'm going to hand it to you for your review, and
17 then we can discuss it a little bit. Okay?

18 A Okay.

19 MS. HINTZ: Thank you.

20 Q (By Mr. Givens) Just take a minute or two to
21 re- -- to read through that, if you would; and just
22 let me know after you've read through it.

23 A What day is this? Okay. Okay.

24 MS. CHRISTIANS: I just want to state
25 an objection to this exhibit to the extent that this

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1 Schreibvogel?

2 A No.

3 Q The -- you said you sought legal counsel.

4 Was that with Ms. Sullivan?

5 A Yes.

6 Q Any other places you sought legal counsel?

7 A No, not for that.

8 Q With respect to the plans to form GWDG and
9 take over down there, did you prepare any
10 projections, business plans, pro formas, anything in
11 writing?

12 A No. I had no -- I had no possible way to
13 predict what the Oklahoma, you know, economy would
14 do other than my being there in the winter to -- to
15 observe it in the winter. I had to trust that --
16 that the spring and the summer was as lucrative as I
17 was told it was.

18 But I saw no risk in having it open. I knew
19 I was going to be there, regardless, with my animals
20 whether it was open as a zoo or just as a private
21 facility that wasn't open to the zoo. But it was my
22 determination that if I'm going to be there and
23 employees are going to be there, that we might as
24 well keep it open to the public.

25 Q Okay. During the deposition today we've